REMARKS

This amendment responds to the office action dated June 23, 2008.

The Examiner rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Lee, U.S. Patent No. 6,507,366 in view of Loveland, U.S. Patent No. 6,437,819. Independent claim 1, from which the remaining claims each respectively depend, recites the limitation "receiving a user selection of an object of interest in said image while said object tracking system is activated and said *while said image is being automatically increased in magnification in response to said initiating said tracking system.*"

The Examiner alleges that this limitation is an obvious combination of Lee and Loveland because Lee ostensibly discloses automatically increasing magnification during an initialization procedure, and that Loveland discloses designating a target to be tracked. The Examiner then presumes that one of ordinary skill in the art would find it obvious to modify the initialization procedure of Lee to include designating a target to be tracked. There are multiple flaws with this reasoning, foremost of which is that the initialization procedure of Lee is incapable of receiving such a target designation in the first place.

Lee discloses that when an automatic tracking system is initialized, the camera first rotates to a default angular orientation and sets the lens to a minimal focusing distance. This initialization step is a precursor to the camera capturing a first frame of an image. *See* Lee at col. 5 lines 3-6 ("*When the initialization step is completed*, the system controller 7 controls the camera 1 to detect *an initial image frame of the object* (step 330), and then to detect a subsequent image frame of the object (step 340))."(emphasis added); *See also* Lee at FIG. 3A. If the camera of Lee has not yet captured a frame having an object to be tracked, it would be useless for a user to designate an object in the field of view of the camera, since the automated tracking system would not yet have any image data to target. This, of course, is consonant with the entire disclosure of Lee regarding the initialization step, which is not to begin capturing an image or tracking a target in the image, but merely to mechanically prepare the camera to receive such data. To emphasize this distinguishing feature over the combination of Lee and Loveland, the applicant has amended claim 1 to recite the limitations of "automatically increasing

magnification of a recorded sequence of frames of an image in response to initiating said object tracking system" and receiving a user selection of an object of interest in at least one frame of said image while said object tracking system is activated and said while said image is being automatically increased in magnification."

Furthermore, the Examiner mistakenly presumes that one of ordinary skill in the art would seize, not only upon the initialization routine of Lee as a point at which is appropriate to receive a designation of a target, but the particular moments when the camera is zooming in. Nothing in either reference supports this assumption. Lee fails to teach the designation of a target at all, and Loveland discloses that a camera is to zoom in on a target that has *already been* designated. Given that Lee also teaches that a camera should automatically zoom in on a target being automatically tracked, if it becomes too small in the image, e.g. by moving away from the camera, during the automated tracking procedure that begins only after the initialization step is complete, (*See* Lee at col. 8 line 59 – col. 9 line 25), it would seem to the applicant that if these two references were to be combined so as to provide a target selection procedure in the method of Lee, it would occur after the initialization step is complete, and after the camera has set itself at the minimum focal distance.

Finally, the Examiner has failed to address the applicant's arguments already of record, that the prior art does not teach zooming in during an initialization step. The Examiner hypothesizes that the initialization procedure of Lee might involve zooming in, but this reasoning is premised on unreasonable assumptions about the optical properties of the camera of Lee, and is certainly not actually disclosed in the cited references. The minimum focal length of a zoom lens typically occurs at the widest zoom setting for which the lens is capable, particularly with a wide-angle security camera. Although it is conceivable that a multi-element zoom lens could be specially designed so that its minimal focal length occurs at a zoomed-in position, such a lens would likely be targeted as a macro-lens for close-up photography. Wide-angle lenses, such as those used in a security setting, will have a minimum focal length that coincides with the widest angle of the lens.

The applicant notes that neither cited reference expressly, implicitly, or inherently discloses a lens that has a minimum focal length that decreases as the camera is zoomed inwards. Nor can the Examiner contend that one of ordinary skill in the art would design a security system, such as that of Lee, to have such a lens, as to do so would frustrate the purpose of a security camera, which is to have as wide a focal range as possible.

For each of the foregoing reasons, independent claim 1, as well as its dependent claims 2-20, patentably distinguishes over the cited prior art. The applicant has canceled all previously withdrawn claims. Therefore, the applicant respectfully requests that a Notice of Allowance be issued in this application.

Respectfully submitted,

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